

IN THE DISTRICT COURT OF COMANCHE COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA
Comanche County
FILED in the
Office of the Court Clerk

CAROLYN SUE ANDERS,

Plaintiff,

v.

PETCO ANIMAL SUPPLIES STORES,
INC., a foreign for-profit business
corporation, WILLIAM WETZEL,
individually,

Defendants.

JUL 31 2023

By _____
Deputy

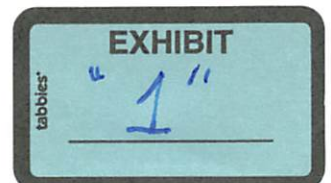
Case No. CJ-2023- 306

PETITION

COMES NOW Plaintiff, Carolyn Sue Anders (hereinafter "Plaintiff"), by and through her attorney of record, Kayla Petsch of Parrish DeVaughn, PLLC, and for her cause of action against Defendants, Petco Animal Supplies Stores, a foreign for-profit business corporation, and William Wetzel, individually (hereinafter "Petco", "Wetzel," or "Defendants"), alleges and states as follows:

VENUE AND JURISDICTION

1. Plaintiff is a resident of Lawton, Oklahoma.
2. Defendant Petco is a Delaware corporation with its principal place of business located at 10850 Via Frontera, San Diego, CA 92127-1705, and can be served in care of their registered agent, Corporation Service Company 10300 Greenbriar Place Oklahoma City, OK 73159-7653, or wherever they may be found.
3. Defendant Wetzel is an individual employed by Defendant Petco and working in Comanche County, Oklahoma.
4. The instant incident occurred on or about March 13th, 2023 in Lawton, Oklahoma.



5. Venue is proper in Comanche County, State of Oklahoma, and the Court has jurisdiction over the parties.

CAUSE OF ACTION FOR NEGLIGENCE

6. Plaintiff incorporates and adopts by reference the allegations set forth in Paragraphs 1-5, and further alleges as follows:

7. On or about March 13th, 2023, Plaintiff was an invitee at Defendant Petco's premises located at 223 NW 2nd Street Lawton, OK 73507-7018.

8. Plaintiff had entered Defendant Petco's premises with the purpose of purchasing goods.

9. As Plaintiff was walking in the store, she tripped and fell over an unsafe display feature.

10. Defendants knew or should have known of the hazardous and dangerous condition created by the platform and should have been aware that such would foreseeably cause personal injuries to persons on its premises.

11. Defendants failed to warn Plaintiff of the dangerous condition created by the platform and was negligent as a result of its inaction.

12. Defendant Petco, as the inviter, owed Plaintiff, the invitee, the duty of reasonable care. *Brown v. Nicholson*, 935 P.2d 319, 321 (Okla. 1997).

13. Defendants had a duty to exercise reasonable care to keep the premises in a safe condition for the reception of its invitees, such as Plaintiff, and failed to do so.

14. As a result of Defendants' failure to exercise reasonable care, Plaintiff sustained significant injuries.

DAMAGES

16. Plaintiff incorporates and adopts by reference the allegations set forth in Paragraphs 1-15, and further alleges as follows:

17. The injuries and damages sustained by Plaintiff, more particularly described below, were produced in a natural and continuous sequence from Defendants' recklessness and violation of one or more of the above-described independent duties of ordinary and reasonable care for the safety of Plaintiff.

18. The injuries and damages sustained by Plaintiff were a probable consequence from Defendants' violation of one or more of the above-described independent duties of ordinary care for the safety of Plaintiff.

19. Defendants should have foreseen and anticipated that a violation of one or more of the above-described independent duties to use ordinary care would constitute an appreciable risk of harm to others, including Plaintiff.

20. If Defendants had not violated one or more of the above-described independent duties to use ordinary care for the safety of Plaintiff, then Plaintiff's injuries and damages would not have occurred.

21. As a direct result of said negligence, Plaintiff sustained personal injuries resulting in the following past and future elements of damage: pain and suffering, disability, medical expenses, loss of income, and loss of quality and enjoyment of life.

WHEREFORE, Plaintiff demands judgment against Defendants in excess of \$75,000.00, plus costs, interest, and any such other relief as the Court deems appropriate against Defendants in an amount to fully and fairly compensate Plaintiff for each and every element of damages that Plaintiff has suffered, including punitive damages, if appropriate.

Respectfully Submitted,



Kayla R. Petsch, OBA 33039
PARRISH DEVAUGHN, PLLC
3601 N. Classen Boulevard
Oklahoma City, OK 73118
405-444-4444
405-232-0058 (f)
Kayla@parrishdevaughn.com
Attorney for Plaintiff

**ATTORNEY'S LIEN CLAIMED
JURY TRIAL DEMANDED**